claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made other than the unsupported allegations set forth in the office action.

The Examiner's attention is directed to 37 C.F.R. 1.141(b) where allegedly different classes of inventions may be included and examined in a single application provided they are so linked as to form a single inventive concept. Please note that claims for a product are specifically authorized for examination together with claims for one process specially adapted for the use of that product. This is exactly the type of case for which the rule was promulgated, i.e., to avoid burdensome and unnecessary restrictions. It is also asserted that the requirement to restrict the present application would be an unnecessary burden upon the Applicants and the Examiner's failure to follow the mandates of the statute and regulation would be a denial of due process. In addition since the article and method claims of Groups II through Group V contain all of the limitations of the article claims, these should be rejoined under In Re Ochiai 37 USPQ2d 1127 and In re Brouwer 37 USPQ 1663.

Once the composition, film and article claims of Group I are found to be patentable, the article and method claims of Groups II through Group V must be <u>per se</u> patentable. For these reasons it is respectfully urged that the restriction requirement be rescinded.

The examiner has rejected claims 1-8, 11-16, 18 and 24-26 under 35 U.S.C. 103 over Akkapeddi, et al, U.S. 6,410,156 in view of Speer, et al., U.S. 5,700,554. It is respectfully asserted that this ground of rejection has been overcome by the instant response. The examiner is advised that this application was filed after November 29, 1999 and both this application and the Akkapeddi, et al reference 6,410,156 were owned by the same person at the time the invention was made, namely Honeywell International Inc. As evidence thereof, enclosed for the convenience of the examiner are copies of the

recorded assignments for this application as well as for U.S. 6,410,156 (s/n 09/800,218). It is therefore submitted that U.S. 6,410,156 is not available as prior art and this rejection cannot be maintained.

The examiner has rejected claim 9 under 35 U.S.C. 103 over Akkapeddi, et al, U.S. 6,410,156 in view of Speer, et al., U.S. 5,700,554 and further in view of Speer, et al, U.S. 5,942,297. It is respectfully asserted that this ground of rejection has been overcome by the instant response. For the same reason as above, this application was filed after November 29, 1999 and both this application and the Akkapeddi, et al reference 6,410,156 were owned by the same person at the time the invention was made, namely Honeywell International Inc. It is therefore submitted that U.S. 6,410,156 is not available as prior art and this rejection cannot be maintained.

The examiner has rejected claim 10 under 35 U.S.C. 103 over Akkapeddi, et al, U.S. 6,410,156 in view of Specr, et al., U.S. 5,700,554 and further in view of Chuu, et al, U.S. 5,605,996. It is respectfully asserted that this ground of rejection has been overcome by the instant response. For the same reason as above, this application was filed after November 29, 1999 and both this application and the Akkapeddi, et al reference 6,410,156 were owned by the same person at the time the invention was made, namely Honeywell International Inc. It is therefore submitted that U.S. 6,410,156 is not available as prior art and this rejection cannot be maintained.

The examiner has rejected claim 17 under 35 U.S.C. 103 over Akkapeddi, et al, U.S. 6,410,156 in view of Speer, et al., U.S. 5,700,554 and further in view of Farrell, et al, U.S. 4,464,443. It is respectfully asserted that this ground of rejection has been overcome by the instant response. For the same reason as above, this application was filed after November 29, 1999 and both this application and the Akkapeddi, et al reference 6,410,156 were owned by the same person at the time the invention was made,

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namely Honeywell International Inc. It is therefore submitted that U.S. 6,410,156 is not available as prior art and this rejection cannot be maintained.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,

Righard S. Roberts Reg. No. 27,941 P.O. Box 484

Princeton, New Jersey 08542

(609) 921-3500

Date: September 4, 2002

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 703-872-9310) on September 4, 2002.

Richard S. Roberts Reg. No. 27,941 ROBERTS & MERCANTI, LLP

(609) 921 - 9535

p.6 P.08/14

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HONEYWELL ROSER CRISS



United States department of commerce Patent and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

MAY 14, 2001

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HONEYWELL INTERNATIONAL INC. ROGER H. CRISS 101 COLUMBIA ROAD LAW DEPARTMENT MORRISTOWN, NJ 07962

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RECORDATION DATE: 05/11/2001

REEL/FRAME: 011564/0291 NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

AKKAPEDDI, MURALI K.

DOC DATE: 05/04/2001

ASSIGNOR:

SOCCI, EDWARD P.

DOC DATE: 05/04/2001

ASSIGNOR:

KRAFT, TIMOTHY J.

DOC DATE: 05/08/2001

ASSIGNOR:

WORLEY II, DARNELL C.

DOC DATE: 05/10/2001

ASSICNOR:

PRATT, JEFFREY D.

DOC DATE: 05/04/2001

ASSIGNOR:

BROWN, CLARK V.

DOC DATE: 05/08/2001

ASSIGNEE:

HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD MORRISTOWN, NEW JERSEY 07962 Sep 04 02 09:36a

ROBERTS & MERCANTI, LLP

HONEYWELL ROGER CRISS

(609)921-9535 973 455 2183

P.09/14

SEP-03-2002 16:08

011564/0291 PAGE 2

SERIAL NUMBER: 09800218

PATENT NUMBER:

FILING DATE: 03/06/2001 ISSUE DATE:

ANTIONE ROYALL, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

p.9

HONEYWELL ROGER CRISS

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P.11/14

ASSIGNMENT

ignment before issue of Letters Peters

File

H0001906 (4300)

WHEREAS, MURALI K. AKKAPEDDI, EDWARD P. SOCCI, TIMOTHY J. KRAFT, DARNELL C. WORLEY 11, JEFFREY D. PRATT AND CLARK V. BROWN

(hereinafter "Assignor") have invented certain new and useful improvements in

OXYGEN SCAVENING

POLYAMIDE COMPOSITIONS SUITABLE FOR PET BOTTLE APPLICATIONS (bereinafter "invention") for which Assignor is making or has made application for LETTERS PATENT OF THE UNITED STATES.

Serial Number 09/800,218, filed March 6, 2001.

which application has been duly executed by Assignor on the day(s) and date(s) of these presents, including any United States provisional patent application(s) identified as follows,

of which the subject application claims priority: Serial Number

filed

AND WHEREAS. Honeywell International Inc., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having a place of business at 101 Columbia Road, Morris Township, Morris County, New Jersey, U.S.A., hereinafter called the Assignce, is desirous of acquiring the entire right, title and interest in and to said invention within the United States of America and its territorial possessions and all foreign countries and any United States or foreign LETTERS PATENT that may be granted therefor.

NOW, THIS INDENTURE WITNESSETH, that for good and valuable considerations, the receipt whereof is hereby acknowledged. Assignor has assigned, sold and transferred, and does hereby assign, sell and transfer to the said Assignee the entire right, title and interest in and to the said invention, within the United States of America and its territorial possessions and all foreign countries and in and to any LETTERS PATENT of the United States and foreign countries, including utility models, inventor's certificates and like government grants, and all divisions, reissues, continuations and extensions thereof that may be granted therefor, and the right to apply for LETTERS PATENT in foreign countries with full benefit of such priorities as may now or hereafter be granted to Assignor by local laws or by treaty, including any international convention, for the protection of industrial property, together with the right to extend the protection of said U.S. LETTERS PATENT to the various territorial possessions now owned or which may be hereafter acquired by the United States of America, all said rights to be held and enjoyed by the Assignee for its own use and benefit of its successors or assigns, to the full end of the term for which said LETTERS PATENT may be granted, as fully and entirely as the same would have been held and enjoyed by Assignor if this assignment and sale had not been made. And Assignor does hereby request and authorize the Commissioner of Patents and Trademarks, U.S.A., to issue said U.S. LETTERS PATENT, when granted, in accordance with this assignment.

Assignor further covenants and agrees with the Assignor that Assignor has a full and unencumbered title to the invention hereby assigned, which title Assignor warrants unto the Assignee, and Assignor further agrees that Assignor will, without demanding any further consideration therefor, at the request but at the expense of the Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, extending, reissuing or reexamining United States and foreign LETTERS PATENT or the like for the said invention, and for maintaining and perfecting the Assignee's right to said invention and LETTERS PATENT particularly in cases of interference, conflict, opposition and litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 4th day of May , 20 01	
MURALI K. AKKAPEDDI	-
TWANT WIERCON, THAT HE HE HELD AND THE HELD	_
IN TESTIMONY WHEREOF, I have hereunto set my hand this 8th day of 7700, 20 01	
Timothy Knapt	_

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Sep 04 02 09:37a

ROBERTS & MERCANTI, LLP

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HONEYWELL ROGER CRISS

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IN TESTIMONY WHEREOF, I have hereunto set pay hand this	10	day of	MAY	, 20 01	_
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DARNELL C. W	ORLEY II				
IN TESTIMONY WHEREOF, I have hereunto set my hand this	4	day of	MAY	, 20 <u>01</u>	
	Do	llrue	O Pra	et 	_
JEFFREY D. PRA	ATT//	7 /			_
IN TESTIMONY WHEREOF, I have hereunto set my hand to	8 m	day of	May	, 20 01	_
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CLARK V. BRO	WN /				
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ROBERTS & MERCANTI, LLP

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FORM PTO-1595 (Rev 693) DMB No. 0051-0011 (pap. 494) RECORDS/1095 BRISCOVER SHEET Patent and Trademark Office PATENTS ONLY				
To the Honorable Commissioner of Patants and Trademarks: I				
1. Name of conveying parties:	2. Name and address of receiving party(ins):			
Murali K. Akkapeddi, Edward P. Socel, Timethy J. Kraft, Darnell C. Worley II, Jaffrey D. Prati, and	Nemo: Honeywell International Inc.			
Clark V. Brown	Internal Address:			
Additional nume(s) & porty(iss) whitched?				
3. Nature of conveyance:	101 Columbia Road			
X Assignment Merger	Street Address: 101 Colombia Pilipa			
Security Agreement Change of Name				
Other	City: Morristown State: NJ Zip: 07982			
Execution Date: May 4, 8 and 10, 2001	Additional name(s) & address(ca) Yeb X No			
4. Application number(s) or patent number(s):	Imber H0001908]			
4. Application number(s) or potent number(s). Into the first document is held find together with a new application.	the experition date of the application			
It full doctaring is used to recent to the same of the				
A. Serial Number 09/800,218, filed March 6, 2001	B. Patent No.(a)			
~				
Aggillana rumaeru albeched?	Pros XMs			
Name and address of party to whom correspondence concerning document should be mailed:	Total number of applications and patents involved:			
Name: Roger H. Criss				
Internal Address Honeywell International Inc.	7. Total fee (37 CFR 3.41)\$ 40.00			
Law Department	Enclosed			
	Authorized to be charged to deposit account			
Street Address: 101 Calumbia Road	6. Deposit account number:			
Ottaks Livin 600-	01-1125			
City: Morristown State: NJ Zip; 07962				
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9. Statement and signature.	information is true and correct and any attracted copy is a			
true copy of the original document.	pand, sour			
Roger H. Criss	f. air			
Name of Person Signing	Signsture Date			
Total number of pages including cover size	el, attachments, and good/ment: 5			

Fax 4 703-306-5995

On this

to me known and known to me to be the individual

t he y_ Acknowledged to me that

EDWARD P. SOCCI and

(SEAL)

POLYAMIDE COMPOSITONS SUITABLE FOR PET BOTTLE

APPLICATIONS

OXYGEN SCAVENGING

INVENTION:

HONEYWELL INTERNATIONAL INC.

he

Described in and who executed the foregoing instrument,

Notary Public

Roger H. Criss

File: H0001906 (4300)

Executed the same

Assignment

MURALI K. AKKAPEDD

EDWARD P. SOCCI

DARNELL C. WORLEY TIMOTHY J. KRAFT

REFFREY D. PRATT

CLARK V. BROWN

Sep 04 02 09:37a SEP-03-2002 16:09

ROBERTS & MERCANTI, LLP HONEYWELL ROGER CRISS

(609)921-9535

p.12

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NOTARIAL ATTESTATON

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

On this /c day of May, 2001, before me personally appeared Darnell C. Worley II, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

(SEAL)

My commission expires:

IVY L. ABRANAM MOTARY PUBLIC OF NEW JERSEY My Commission Expires April 1, 2006 Sep 04 02 09:37a

SEP-03-2002 16:06

ROBERTS & MERCANTI, LLP

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p. 13

973 455 2183 P.03/14

HONEYWELL ROGER CRISS



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office ASSIGNT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS WISHINGTON, D.C. 20231

MAY 08, 2001

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HONEYWELL INTERNATIONAL INC. ROGER H. CRISS 101 COLUMBIA ROAD LAW DEPARTMENT MORRISTOWN, NJ 07962

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RECORDATION DATE: 05/04/2001

REEL/FRAME: 011543/0181

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TSAI, MINGLIANG L.

DOC DATE: 04/03/2001

ASSIGNOR:

AKKAPEDDI, MURALI K.

DOC DATE: 05/04/2001

ASSIGNEE:

HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD MORRISTOWN, NEW JERSEY 07962

SERIAL NUMBER: 09800749

PATENT NUMBER:

FILING DATE: 03/07/2001

ISSUE DATE:

PAULA MCCRAY, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

ROBERTS & MERCANTI, LLP

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P.04/14 973 455 2183 973 435 2183 P. W1 AUS

	U.B. DEPARTMENT OF COMMERCIAE Pagent and Trademark Office
RECORPTIONS PATENTS	ONLY PAGE 1
To the Honoreble Commissioner of Perents and Trademarks: F	loane record the attached original documents or copy thereon.
	2. Name and address of receiving party(les):
1. Name of conveying parties:	Name: Honeywell International Inc.
Mingleng L Tsal and Murali K. Akkapeddi	Internal Ackiresa:
Additional name(s) & party(jes) attached? Yes X No	
Nature of conveyance: X Assignment Merger	Street Address: 101 Columbia Road
Security Agreement Change of Name	Chr. Morristown State: NJ Zip: 07962
Other	Additional name(e) & address(or.) Yes X No
Execution Date: April 3 and May 4, 2001	gttached?
Application number(s) or patent number(s): [file number(s)]: [file number(s)] If this document is being filed together with a new application in. Serial Number 08/800,749, filed March 7, 2001	the execution date of the application B. Patent No.(c)
Additional numbers estaches?	Yes XNo
Name and address of party to whom correspondence concerning document should be mailed:	8. Total number of applications and patents involved:
- 11 Saine	
Internal Address: Honeywell international Inc.	7. Total fee (37 CFR 3.41)\$ 40.00
Law Department	Authorized to be charged to deposit account
Street Address: 101 Culumbia Road	8. Deposit account number: 01-1125
City: Morristown state: NJ Zip; 07982	
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Statement and ergnature. To the best of my knowledge and belief, the foregoing the copy of the original document.	ng information is true and correct and any enached copy is a
Mile criply (a. the coulous assessment	May 4, 2001
Roger H. Criss 100 p.	May 4, 2001

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Signature 8

fac & 703-306-5995

Name of Purson Signing

ROBERTS & MERCANTI, LLP HONEYWELL ROGER CRISS

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p.15

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P.05/14

ASSIGNMENT

Assignment before issue of Letters Patent
File LIOOLING (4300)

	File	H0001805 (4	300)	
WHEREAS, MINCLIANG L. TSAI and MURALI K. AKKAPEDDI				
(hereinafter "Assignor") have invented certain new and useful improvements	in O	CYGEN SCAVE	NING	
POLYMER COMPOSITIONS CONTAINING ETHYLENE VINYL AL "invention") for which Assignm is making or has made application for LETT	COHOL CO TERS PATEN	POLYMERS (b I of the Unit	ereinafter BD STATB	ıs,
Serial Number 09/800,749, filed March 7, 2001,				
which application has been duly executed by Assignor on the day(s) and date	(s) of			
these presents, including any United States provisional patent application(s) is	dentified as to	llows,		
of which the subject application claims priority: Serial Number		, filed		
AND WHEREAS, Honeywell International Inc., a corporation or State of Delaware, U.S.A., having a place of business at 101 Columbia Road, Jersey, U.S.A., hereinafter called the Assignee, is desirous of acquiring the envention within the United States of America and its territorial possessions are foreign LETTERS PATENT that may be granted therefor.	Morris Town	ship, Morris Cou and interest in a	nty, New nd to said	aces
NOW, THIS INDENTURE WITNESSETH, that for good and value hereby acknowledged. Assignor has assigned, sold and transferred, and does Assignee the entire right, title and interest in and to the said invention, within territorial possessions and all foreign countries and in and to any LETTERS I countries, including utility models, inventor's certificates and like government continuations and extensions thereof that may be granted therefor, and the rig countries with full benefit of such priorities as may now or bereafter be grant including any international convention, for the protection of industrial proper protection of said U.S. LETTERS PATENT to the various territorial possessi acquired by the United States of America, all said rights to be held and enjoy benefit, and for the use and benefit of its successors or assigns, to the full end PATENT may be granted, as fully and entirely as the same would have been assignment and sale had not been made. And Assignor does hereby request a Trademarks, U.S.A., to issue said U.S. LETTERS PATENT, when granted, in	hereby assign the United St. PATENT of the grants, and it to apply for ed to Assignor ty, together wons now owned of the term for held and enjoying accordance to the cordance of the term accordance of the term for held and enjoying accordance of the term for the te	, sell and transfer ates of America a e United States a all divisions, reiss r LETTERS PAT by local laws or ith the right to ex ed or which may be gree for its own to r which said LET which said LET which said the with this assignment	to the said and its and foreign sues, ENT in fore by treaty, tend the be hereafter use and TTERS of this are of Patents ent	eign and
Assignor further covenants and agrees with the Assignee that Assigneemention bereby assigned, which title Assignor warrants unto the Assignee, without demanding any further consideration therefor, at the request but at thoust acts, including the execution and acknowledgment of instruments, that me sustaining, extending, reissuing or reexamining United States and foreign LE invention, and for maintaining and perfecting the Assignce's right to said invite cases of interference, conflict, opposition and litigation.	and Assignor for c expense of the ay be or become TTERS PATE	inther agrees that he Assigned, do so me necessary for NT or the like fo	l Assignor v Il lawful an obtaining, r the said	will, d
IN TESTIMONY WHEREOF, I have hereunto set my hand this 3 14	day of	Doril	,20 <u>01</u>	
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ROBERTS & MERCANTI, LLP

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p.16 P.06/14

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HONEYWELL ROGER CRISS

AT LIPE OF	NEW JERSEY)	•		
STATE OF) ss.:			
COUNTY OF	MORRIS	_)	30 01	before me personally	ametred
	On this 3 Y-ch day	of April			appoar-
MINGLIANG	(TSAI nd known to me to be the individ	uni d	escribed in and wi	no executed the foregoing	instrument,
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(SEAL)			('	KOTARY PUBLIC OF NEW JEES Commission Expires 3/25/20	Notary Public
	Nac 1	My contribusio	n cubires:		
STATE OF	NEW JERSEY	—)) ss.:			
COUNTY OF	MORRIS) ss			
LOUNTY OF	On this Hthe day	of April	, 20 01	before me personally	appeared
MURALI K. A					
to me known a	and known to me to be the individ			he executed the foregoing	g instrument.
	acknowledged to me that		executed the sa	ame.	·
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N X		V N N N N N N N N N N N N N N N N N N N		2000	Roger H. Criss Honeywell International Inc. 101 Columbia Road Morristown, NJ 07962
Assignment MINGLIANG L. TSAI MURALI K. AKKAPEDDI	TO HONEYWELL INTERNATIONAL INVENTION:	OXYGEN SCAVENGING FOLYN COMPOSITONS CONTAINING ETHYLENE VINYL ALCOHOL COPOLYMERS		File: H0001805 (4300)	
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IN THE UNITED STATES PAID.

The the application of:
Aingliang L. Tsai

Docket: H0001805 (4300)

Serial Number: 09/800,749

Group Art Unit: 1772

Filed: March 7, 2001

Examiner: Sandra M. Nolan

For: OXYGEN SCAVENGING POLYMER COMPOSITIONS CONFAIRING
ETHYLENE VINYL ALCOHOL COPOLYMERS

SHEET

SHEET

TO:

Commissioner for Patents

Washington, D.C. 20231

FAX NO.: (703) 872-9310

FROM:

Richard S. Roberts Reg. No. 27941

P.O. Box 484

Princeton, New Jersey 08542

(609) 921-3500

DATE:

September 4, 2002

KINDLY DIRECT THIS COMMUNICATION TO:

EXAMINER: Sandra M. Nolan

GROUP : 1772

NO. OF PAGES SENT INCLUDING THIS COVER SHEET: 16

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